

### **REMARKS**

With this Amendment, claim 23 is amended to replace the term “actuator” with -- actuator transducer--. Claims 24-26 are amended to be consistent with the amendments made to claim 23.

The following remarks are made in view of the Examiner’s Answer dated September 25, 2006, with respect to claims 23-25.

I. **CLAIM 23 IS NOVEL IN VIEW OF EVANS ET AL.**

Evans et al. do not disclose “a detector coupled to the actuator transducer and configured to receive a signal from the actuator transducer proportional to vibration of the movable suspension assembly,” as recited in claim 23.

In response to Applicants’ Appeal Brief, the Examiner’s Answer expanded its interpretation of Evans et al. to include strain gauges 10 in FIGS. 1 and 3 and strain gauge 310 in FIG. 10 with various other elements to conclude that the strain gauges make up a portion of an “actuator”.

However a strain gauge is not an actuator transducer, and receiving a signal from a strain gauge (as in Evans et al.) is not the same as receiving a signal from the claimed actuator transducer.

II. **CLAIM 24 IS NON-OBVIOUS OVER EVANS ET AL. IN VIEW OF NOVOTNY**

Claim 24 recites that the actuator transducer comprises a piezoelectric or electrostatic actuator. Since claim 24 depends from claim 23, claim 24 requires such a piezoelectric or electrostatic actuator to provide a detector with “a signal from the actuator transducer proportional to vibration of the movable suspension assembly.”

Novotny does not teach or suggest a piezoelectric or electrostatic actuator that provides a detector with a signal that is proportional to vibration of a movable suspension assembly.

III. **CLAIM 25 IS NOVEL IN VIEW OF EVANS ET AL.**

Claim 25 depends from claim 23 and further includes “a controller coupled to the actuator transducer and configured to transmit a signal to the actuator transducer to move the

movable suspension assembly.”

Thus, the actuator transducer recited in claim 25 is the same actuator transducer from which the detector receives a signal proportional to vibration of a movable suspension assembly.

Evans et al. do not teach such a structure.

Nowhere do Evans et al. disclose that a controller transmits a signal to the strain gauges 10, 234 and 310 to move the movable suspension assembly. Rather, a controller controls the actuators 21 (FIG. 3) and 338 (FIG. 10). But these actuators do not provide a signal proportional to vibration of a movable suspension assembly.

Thus, Evans et al. does not teach a controller coupled to an actuator transducer as defined in claim 25.

The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /David D. Brush/  
David D. Brush, Reg. No. 34,557  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone:(612) 334-3222 Fax:(612) 334-3312